

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/088,108	HIGASHINO ET AL.	
	Examiner	Art Unit	
	Shaima Q. Aminzay	2684	

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 03 November 2004.
2.  The allowed claim(s) is/are 1-4.
3.  The drawings filed on 25 March 2002 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## ***DETAILED ACTION***

### ***Allowable Subject Matter***

1. Claims 1-4 are allowed.

### ***Reasons for Allowance***

2. Applicant's arguments, see page 2, filed on November 3, 2004, with respect to claims 1-4 have been fully considered and are persuasive. The rejection of claims 1-4 has been withdrawn.
3. The following is an examiner's statement of reasons for allowance:

None of the prior art of the record either singularly or in combination teaches or fairly suggests "a portable terminal comprising: a portable phone unit which performs processing related to a portable phone via a radio wave in a first frequency band; an automatic toll collection unit which has a function as an on-board machine in an electronic toll collection system and transmits and receives automatic toll collection information related to automatic toll collection to and from a radio equipment installed at a tollgate via radio wave in a second frequency band different from the first frequency band; and a control unit which controls

switching between the function of the portable phone unit and the function of the automatic toll collection unit, according to the frequency band of the received radio wave” as disclosed in claims 1-4.

The new cited reference Hayes (Hayes Jr. et al., U. S. Patent No. 6295448) teaches short distance communication and remote control capability of mobile telephones and road toll system, and the communication between the mobile to/from mobile network and mobile to/from another device using different modes of operation and paths constituting portions of a radio spectrum assigned to a mobile system.

However, the reference do not expressly teach that the “control unit which controls switching between the function of the portable phone unit and the function of the automatic toll collection unit, according to the frequency band of the received radio wave”.

For these reasons, independent claim 1, and dependent claims 2-4 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

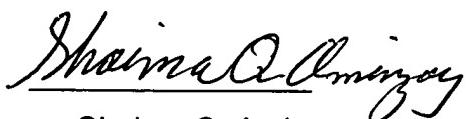
### ***Conclusion***

The prior art made of record considered pertinent to applicant's disclosure, see PTO-892 form.

### **Inquiry**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 703-305-8723. The examiner can normally be reached on 7:00 AM -5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shaima Q. Aminzay  
(Examiner)



NICK CORSARO  
PRIMARY EXAMINER

Nay Maung  
(SPE)

Art Unit 2684

February 10, 2005